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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,347	02/13/2002	Shuji Yonekubo	Q68498	6061

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EXAMINER

NGUYEN, LAM S

ART UNIT PAPER NUMBER

2853

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/073,347	Applicant(s) YONEKUBO, SHUJI	
	Examiner LAM S NGUYEN	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 40-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40-48 is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-16 and 49-51 is/are rejected.
- 7) ☒ Claim(s) 8-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/828998.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/13/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7, 12-16, and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Numata et al. (US 5625384) in view of Suzuki et al. (US 5650802).

Numata et al. disclose a liquid jetting apparatus (FIG. 75) comprising;

a container-setting portion (FIG. 75, element 9) at which a liquid container (FIG. 75, element 8a) is set, the liquid container having a liquid chamber (column 43, line 45: in term of "ink tank") that contains liquid,

a head member having a nozzle (FIG. 48A-B),

a liquid way that can communicate with the liquid chamber of the liquid container set at the container-setting portion and the nozzle (FIG. 75: a corresponding way provides ink from the tank 8a to the nozzle),

a liquid discharging unit that can cause the liquid to be discharged from the nozzle (column 43, line 45-48: a corresponding discharge unit for sucking ink).

Even though, Numata et al. disclose the comprising of a controller that can control the liquid discharging unit based on information about the composition or property of the ink in the ink tank cartridge manufactured a long time ago (column 43, line 50-67), Numata et al. do not clearly disclose that the controller controls the liquid discharging unit based on information

Art Unit: 2853

about sedimentation-property of the liquid in the liquid chamber and information about sedimentation-state of the liquid in the liquid chamber).

Suzuki et al. disclose a problem in a liquid droplet ejecting apparatus for ejecting disperse-system inks in that when the system has not been used for long period of time, the composition or property of the ink in the cartridge will be varied by time due to the settlement of cohered solids (column 1, line 35-47) and the sedimentation of pigment particles (Abstract). This change will lower the concentration of pigments and cause the degrading quality of printed images (column 1, line 42-47).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to modify the controller in the printing system disclosed by Numata et al. such that, instead of controlling the liquid discharging unit based on the information about the composition and property of the liquid as a function of time, controlling the liquid discharging unit based on the information about sedimentation of the liquid as a property of the liquid varied by time elapsed as disclosed by Suzuki et al. The motivation of doing so is to avoid the loss of concentration of pigments that degrades printing quality as taught by Suzuki et al. (column 1, line 42-47).

Numata et al. also disclose limitations referring to the following claimed invention:

Referring to claims 2-5, 49-50: further comprising a clock component that knows a present time, and a composition-or-property-state acquiring unit that can acquire the information about composition-or-property-state of the liquid in the liquid chamber, wherein the information about composition-or-property-state of the liquid in the liquid chamber is information about a point of time that is a standard for judgment of the composition-or-property-state, the liquid

Art Unit: 2853

discharging controller has a calculating part that can calculate a passed time until the present time based on the information about a point of time that is a standard for judgment of the composition-or-property-state, and a main controlling part that can control the liquid discharging unit based on the passed time, and the point of time that is a standard for judgment of the composition-or-property-state is a date when the liquid container was manufactured (column 43, line 38-50: the type of recovery operation to be performed is decided by the number of months between the manufacturing date and the loading data), wherein the point of time that is a standard for judgment of the composition-or-property-state is a point of time when the liquid container was set at the container-setting portion (column 43, line 62-65: the time that the cartridge is unpacked and loaded in the apparatus).

Referring to claim 6: wherein the information about the point of time when the liquid container was set at the container-setting portion is stored in a storage unit provided in the liquid container, and the composition-or-property-state acquiring unit is adapted to read out the information stored in the storage unit (column 9, line 57-62: the time when the new head is used first is written in a non-volatile memory and a corresponding unit reads this memory to acquire this information).

Referring to claim 7: wherein the point of time that is a standard for judgment of the composition-or-property-state is a point of time when the liquid was jetted previous time (FIG. 6, steps S505-506: a period of time is set since the last suction or last pre-discharge).

Referring to claims 12-13: wherein the liquid discharging unit is a cleaning unit that can cause the liquid to be absorbed from the nozzle or a flushing unit that can cause the liquid to be jetted from the nozzle (FIG. 6: a cleaning unit for suctioning).

Referring to claim 14: wherein the liquid container contains the liquid by containing a foam material filled with the liquid (column 40, line 23-27).

Referring to claim 15: wherein the liquid contained in the liquid container is ink including pigment (column 40, line 14-16: in term of “dye”).

Referring to claim 16: wherein the liquid container further has a second liquid chamber that contains second liquid, the head member further has a second nozzle, the apparatus further comprises a second liquid way that can communicate with the second liquid chamber of the liquid container set at the container-setting portion and the second nozzle, the apparatus further comprises a second liquid discharging unit that can cause the second liquid to be discharged from the second nozzle, and the liquid discharging controller can control the second liquid discharging unit based on information about composition-or-property-state of the second liquid in the second liquid chamber (FIG. 73: element 8 has more than one ink container).

Referring to claim 51: wherein the main controlling part is adapted to control the liquid discharging unit when the liquid container is replaced with a new liquid container in such a manner, that a volume of the liquid to be initially discharged is larger when the passed time calculated based on the information about sedimentation-state of the liquid in the liquid chamber of the new liquid container set at the container-setting portion is longer (column 43, line 37-50: Because the longer the passed time is, the higher the concentration of the ink in the connected portion, the amount of ink sucked is increased to ensure stable discharge).

Allowable Subject Matter

Art Unit: 2853

2. Claims 40-48 are allowed and claims 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claims 9, 41: The most pertinent cited prior art fails to disclose the comprising of a liquid-end determining unit that can determine a liquid end based on the information about a point of time that is a standard for judgment of the sedimentation-state and the liquid consumption.

Referring to claims 8, 40, 44: The most pertinent cited prior art fails to disclose wherein the point of time that is a standard for judgment of the sedimentation-state is a point of time when the liquid container was stirred previous time.

Claims 10-11, 42-43, 45-48 are allowable because they depend directly/indirectly on claim 9, 41, or 44.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2853

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S NGUYEN whose telephone number is (703)305-3342. The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D. MEIER can be reached on (703)308-4896. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

LN

February 29, 2004

Hai Pham

**HAI PHAM
PRIMARY EXAMINER**